

FILED

JUL 24 2014

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

Melissa Kimble

Plaintiff(s)

vs.

EEOC Charge #
Case Number: 564-2014-00113OKmac Enterprises @ Dale Roberson

Defendant(s)

14 CV - 426 JED - TLW

COMPLAINT - EEOC

Comes now the Plaintiff, Melissa Kimble and for his/her
claim against the Defendant(s), KFC/Taco Bell Enterprises KMAC Enterprises
states and alleges as follows:

1. This action is brought and jurisdiction lies pursuant to 42 U.S.C. §2000e-5. Venue is proper in this District.

2. Plaintiff is a(n) White Female who resides at
(Race) (Sex)

16446 S. 98th East Ave, Bixby, OK 74008
(Complete address)

3. The Defendant KMAC Enterprises is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at

1820 Zero Street, Ft Smith, AR 72901

(Note: 3a-3f to be used if there is more than one defendant.)

3a. The Defendant Dale Roberson is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at

1820 Zero Street, Ft. Smith, Ar 72901

3b. The Defendant _____ is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at

3c. The Defendant _____ is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at

3d. The Defendant _____ is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at

ITP

3e. The Defendant _____ is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at _____

3f. The Defendant _____ is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at _____

4. On or about 01/04, 2012, defendant(s)
(Month/day) (Year)

(Specify the unlawful employment practices which you are alleging against the defendant(s), such as: refusal to hire, discharge from employment, harassment in employment, etc.)

Dale Roberson knew & discussed with me about my return
to work for KMAC Enterprises, as a First Assistant or possible
General Manager. He asked for & received a doctor's release for light
duty, but never gave me a schedule or called me to give instructions as
because of (state why defendant(s) discriminated against you, i.e. race, color religion, sex or national origin, etc.)
where to work, after taking an 12 weeks of my FMLA. Dale
Roberson knew I had to have back surgery in the following month
and I would have to attend regular doctor appointments due
to my physical and mental handicaps. I was damaged goods
in his eyes & he fired me & never notified me of my termination.

5. Plaintiff timely filed a written complaint of discrimination with the Equal Employment Opportunity Commission (EEOC) and received a right to sue letter, a copy of which is attached. All conditions precedent to the institution of this lawsuit have been fulfilled. still have all my uniforms and my store keys.

Wherefore, Plaintiff prays for (state what relief is sought) One year's pay at \$700/week
and \$25,000 for humiliation, stress, difficulties
caring for family & housing difficulty

and such other relief as the Court would allow under Title VII of the Civil Rights Act of 1964.

[Signature]

Signature

Kenya S. 98th E Ave

Address

Bixby

City

OK

State

74008

ZIP

918-442-4111

Telephone

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Melissa A. Kimble**
16446 S. 98TH E. Ave.
Bixby, OK 74008

From: **Oklahoma City Area Office**
215 Dean A. McGee Avenue
Suite 524
Oklahoma City, OK 73102

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

564-2014-00113

K. Kelly,
Investigator

(405) 231-4353**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**
☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

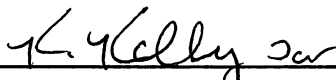
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Holly Waldron Cole,
Area Office Director

April 22, 2014

(Date Mailed)

Enclosures(s)

CC:

Hall Estill Steven A. Brossand
320 S. Boston Ave. Ste. 200
Tulsa, OK 74103-3706

KMAC ENTERPRISES INC/TACO BELL
1820 Zero Street
Fort Smith, AR 72901

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction *in your case* may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.